

REMARKS

Claims 14-19, 22-24, and 26-33 are pending herein. Claims 14 and 26 have been amended as supported by page 18, lines 13 and 14 of the specification, for example. Claims 15-17 and claims 27-29 have been amended in light of the amendments made to claims 14 and 26, respectively and have been amended to address matters of form. New dependent claims 32 and 33 have been added as supported by page 18, lines 13 and 14 of the specification and Fig. 6B, for example.

Applicant respectfully submits that no new matter has been added.

Examiner Nguyen is thanked for courtesies extended to applicant's undersigned representative during a brief telephonic interview on August 20, 2008. During the telephonic interview, Examiner Nguyen confirmed that claim 16 should have been identified as part of the primary rejection discussed below. Further, Examiner Nguyen indicated that the amendments submitted above are such that he would require a Request for Continued Examination ("RCE") for entry and consideration of the claims.

Claims 14, 15, 16, 19, 22-24, and 26-31 were rejected under *35 U.S.C. §103(a)* over Hutchins, Richardson, and Howell. To the extent that this rejection may be applied against the amended claims, it is respectfully traversed.

Independent claims 14 and 26 recite, in relevant part, a catheter comprising a shaft comprising proximal and distal ends, a tip at the distal end of the shaft having the tapered portion over which the tip outer diameter is gradually reduced, a distal terminus, and two or more lumens, at least one of which is sized to receive a 0.035 inch guidewire. Claims 14 and 26 have each been amended to clarify that the catheter further comprises an untapered length of shaft positioned adjacent to the tapered portion opposite the distal terminus. These claims have been further amended to clarify that the lumens are spaced apart from one another by a predetermined distance in the untapered length, and a corresponding distance between the lumens in the tapered portion is different from the predetermined distance in the untapered portion.

Examiner Nguyen is respectfully requested to note that an important aspect of the present invention is the process from which the claimed tapered portion is created. For example, as shown in Fig. 6B, thermally insulative segments 88 surround the shaft 14 in such a manner that through the application of heat during the necking process, an untapered length is maintained immediately adjacent to tapered portion. As a result of the inventive heating and necking process, the structure of the resulting catheter is changed such that the distances between the lumens are reduced in the tapered portion while the original distances between the lumens is maintained in the untapered length immediately adjacent to the tapered portion. The altering of the dimensions between the individual lumens allows for a more uniform reduction in the tapered section such that at least one of the lumens can be maintained to receive a 0.035 inch guidewire. This structure would not have resulted from the processes disclosed in the prior art, and the resulting structure would not have been disclosed or suggested by the prior art. For example, Examiner Nguyen is respectfully requested to note that the use of traditional processes such as that shown in Fig. 10 of Hutchins, discussed more fully below, may result in a change to an internal dimension of a particular lumen but does not result in the change in the distance between multiple lumens. These points will be discussed in further detail below.

The combination of Hutchins, Richardson, and Howell would have failed to disclose or suggest a catheter as recited in claims 14 and 26. Hutchins discloses, in Fig. 6, for example, a catheter including first and second lumens, which extend parallel to one another. Hutchins discloses, in Fig. 10, that one of the lumens 17A can be collapsed in a die such that the internal diameter of the lumen 17A decreases to zero without any disclosed change in the distance between the lumen 17A and adjoining lumen 16. Hutchins discloses, in Fig. 11, that even with a radiused distal terminus 14, the two lumens 17B, 16, are to extend parallel to one another throughout their entire length. There is no disclosure or suggestion within Hutchins of altering the distance between two adjacent lumens in a tip thereof. Therefore, Hutchins fails to disclose a catheter wherein the lumens are spaced apart from one another by a predetermined distance in an untapered length, and a corresponding

distance between the lumens in the tapered portion is different from the predetermined distance in the untapered portion, as recited in claims 14 and 26.

Richardson, used by the Examiner only for alleged disclosure of the length of the tapered portion and the diameter, fails to overcome the deficiencies of Hutchins. Specifically, Richardson discloses a catheter having only one lumen. Accordingly, Richardson would have failed to provide any reason for one skilled in the art to vary the distance between two adjacent lumens.

Howell, used by the Examiner, only for alleged disclosure of including a tapered tip for facilitating insertion of the catheter and a particular outside diameter, also fails to overcome the deficiencies of Hutchins. Specifically, Howell discloses a catheter having only one interior lumen. Accordingly, Howell would have failed to provide any reason for one skilled in the art to vary the distance between two adjacent lumens.

While not included in a traditional manner in the present rejection, the Examiner refers to Daugherty in section 10 of the present rejection, and relies on Daugherty for alleged disclosure of a catheter having a tapered tip configuration that includes the length of the tapered portion and the outer diameter of the terminus. Similar to Richardson and Howell, each discussed above, Daugherty also discloses a catheter including only a single lumen. Accordingly, Daugherty fails to disclose or suggest any reason why one skilled in the art can or should vary a distance between two adjacent lumens. Therefore, Daugherty also fails to overcome the deficiencies of Hutchins, Richardson, and Howell.

For at least the foregoing reasons, a catheter as recited in independent claims 14 and 26 would not have been obvious to one skilled in the art provided with the disclosures of Hutchins, Richardson, Howell, and Daugherty. Specifically, the cited references would have failed to disclose or suggest to one skilled in the art any reason why the distance between two adjoining lumens can or should be altered in a manner as recited in claims 14 and 26. Since claims 15, 16, 19, and 22-24 depend directly or indirectly from claim 14, and claims 26-31 depend directly or indirectly from claim 26, those claims are also believed to be allowable over the applied prior

art. Accordingly, reconsideration and withdrawal of the present rejections are respectfully requested.

Claims 17 and 18 were rejected under *35 U.S.C. §103(a)* over Hutchins, Richardson, and Howell, and further in view of Sadamasa. This rejection is respectfully traversed.

Sadamasa fails to overcome the deficiencies of Hutchins, Richardson, and Howell. Sadamasa is used by the Examiner only for alleged disclosure of including a radiopaque marker and a catheter device. Sadamasa discloses, in Fig. 2, for example, a catheter including two lumens and a tapered portion where the diameter is reduced from D1 to D2. As can be seen in Fig. 2 of Sadamasa, for example, the taper is achieved by reducing the diameters of each of the two lumens while there is no disclosed or suggested reduction in the thickness of the wall present between the two lumens. Accordingly, Sadamasa would have failed to disclose or suggest to one skilled in the art any reason why a distance between two adjacent lumens can or should be altered in the tapered portion.

In light of the foregoing, Sadamasa fails to overcome the deficiencies of Hutchins, Richardson, and Howell in relation to independent claim 14. Since claims 17 and 18 depend indirectly from claim 14, those claims are also believed to be allowable over the applied prior art. Accordingly, reconsideration and withdrawal of the present rejection are respectfully requested.

At least for the foregoing reasons, applicant respectfully submits that the claims submitted above define patentable subject matter over the art of record. Accordingly, the Examiner is respectfully requested to issue a notice of allowance for the present application in due course.

If the Examiner believes that contact with the applicant's attorney would be advantageous toward the disposition of this case, he is herein requested to call applicant's attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to deposit Account No. 50-0289.

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Respectfully submitted,

Electronic signature: /Timothy D. Evans/
Timothy D. Evans
Registration No.: 50,797
Marjama Muldoon Blasiak & Sullivan LLP
250 South Clinton Street
Suite 300
Syracuse, New York 13202
(315) 425-9000
Customer No.: 20874

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